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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/500,742

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Harro Osthoff

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ERICSSON INC.
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EXAMINER

ARMOUCHE, HADI S

ART UNIT

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2132

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/500,742	Applicant(s) OSTHOFF ET AL.	
	Examiner HADI ARMOUCHE	Art Unit 2132	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>7/1/2004 and 8/16/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Information Disclosure Statement

2. The information disclosure statement filed on 8/16/2004 and 7/1/2004 cite (DE 19543843A1) as a reference. It has been considered but the applicant is requested to provide the examiner an English translation of the reference or English translation to the relevant portions if he/she has it.

Claim Objections

3. Claims 6-15, 19-21 and 27-29 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim can not depend from another multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims 6 -7 and 19-21 have not been further treated on the merits.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. The claimed invention in claims 29 and 32 is directed to non-statutory subject matter. The computer program is embodied as a data signal on a carrier wave. Carrier wave is non- statutory subject matter.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-5, 8-18 and 22-32 are rejected under 35 U.S.C. 102(b) as being anticipated by Wentker et al. (WO 00/25278) referred to hereinafter by Wentker.

8. Regarding claim 1, Wentker teaches *a method of loading data into a mobile terminal (105), the method comprising the steps of* [page 1, lines 9-11 and fig 7c]:

receiving the data from a loading station (101) by the mobile terminal, the data comprising payload data (302) and header data (301) [fig 7c elements 368 and 370];
and

accepting the data by the mobile terminal conditioned on a verification process based on the header data [fig 7c element 366] ;

characterised in that the step of receiving the data further comprises the steps of receiving (503, 802) a header message including the header data from the loading station by the mobile terminal [fig 7c element 364];

verifying (504, 802) the received header data by the mobile terminal [fig 7c element 366];

receiving (508, 808) at least a first payload message including the payload data, if the header data is verified successfully [page 25 , lines 12-18].

9. The independent claims 16, 22-24, 27 and 30 define a method, system and computer program that have the limitations of claim 1 and hence same rejection rational is applied.

10. Regarding claim 2, Wentker teaches that the *method characterised in that the header data comprises a first cryptographic data item (303a, 301b, 301d, 301e) and the step of accepting the data by the mobile terminal comprises the step of performing a cryptographic verification process based on the first cryptographic data item [page 24 line 27-page 25 line 3].*

11. Regarding claim 3, Wentker teaches that the *method characterised in that the payload data is divided into a number of blocks of payload data (P.sub.1, . . . , P.sub.N), and the step of receiving the payload data further comprises the steps of receiving a number of payload messages each comprising one of the blocks of payload data; and storing in a storage medium each of the received number of blocks of payload data [page 29 lines 9-27].*

12. Regarding claim 4, Wentker teaches that *method characterised in that the payload data is divided into a number of blocks of payload data (P.sub.1, . . . , P.sub.N); the method further comprises the step (821) of receiving a corresponding number of message digests (703) related to respective ones of the number of blocks of payload data; the step of receiving the payload data further comprises the step of receiving a number of payload messages each including one of the number of blocks of payload data; and the step of accepting the data by the mobile terminal further comprises, for each of the number of blocks of payload data, the steps of accepting the block of payload data by the mobile terminal conditioned on a cryptographic verification process based on a corresponding one of the message is digests; processing the accepted block of payload data; storing the processed block of payload data in a storage medium* [page 24 line 27-page 25 line 3; page 29 lines 9-27; figure 14 elements 926 and 914].

13. Regarding claim 5, Wentker teaches that the *method characterised in that the cryptographic verification process used in the step of accepting a first block of payload data received after a second block of payload data is further based on a result of a cryptographic verification process used in a previous step of accepting the second block of payload data* [page 26 lines 3-24].

14. Regarding claim 8, Wentker teaches that the *method characterised in that the first cryptographic data item includes a first message digest encrypted with a private key of an authority; and the step of accepting the data by the mobile terminal comprises the steps of calculating a second message digest of the received header data and the received payload data; decrypting the first message digest with a public key of said*

authority; and comparing the decrypted first message digest with the calculated second message digest [page 10 line 3-17; page 22 lines 8-24].

15. Regarding claim 9, Wentker teaches that the *method characterised in that the header data further comprises a signed key to be used in the verification process by the mobile terminal as a public key of the authority distributing the payload data* [page 10 line 3-17; page 22 lines 8-24].

16. Regarding claim 10, Wentker teaches that the *method characterised in that the header data further comprises a second cryptographic data item, and the step of verifying the header data comprises the step of performing a cryptographic verification of the header data based on the second cryptographic data item* [page 10 line 3-17; page 22 lines 8-24; page 26 lines 3-24].

17. Regarding claim 11, Wentker teaches that the *method characterised in that the method further comprises the step of processing the payload data conditioned on the step of accepting the data by the mobile terminal* [fig 7c element 366].

18. Regarding claim 12, Wentker teaches that the *method according to claim 11, characterised in that the payload data is received in a compressed form; and the step of processing comprises the step of decompressing the payload data* [fig 7c element 366].

19. Regarding claim 13, Wentker teaches that the *method further comprises the step of sending a request for receiving the payload data to the loading station conditioned on a result of the step of verifying the header data*[page 26 lines 3-24].

20. Regarding claim 14, Wentker teaches that the *method characterised in that the payload data comprises program code means* [claim 12].

21. Regarding claim 15, Wentker teaches that the *method characterised in that the payload data comprises a software patch* [claim 8].

22. Claim 17 has the same limitation as claim 13 and hence same rejection rational is applied.

23. Claim 18 has the same limitation as claim 4 and hence same rejection rational is applied.

24. Claim 25 has the same limitation as claim 8 and hence same rejection rational is applied.

25. Regarding claim 26, Wentker teaches that *the loading station characterised in that the first device is a smart card* [abstract].

26. Regarding claims 28 and 29, Wentker teaches that *the computer program is embodied on a computer readable medium* [page 29 lines 9-27].

27. Claims 31 and 32 have the same limitations as claims 28 and 29 and hence same rejection rational is applied.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HADI ARMOUCHE whose telephone number is (571)270-3618. The examiner can normally be reached on M-Th 7:30-5:00 and Fridays half day.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on (571) 272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/H. A./
HADI ARMOUCHE
Examiner, Art Unit 2132

/Gilberto Barron Jr/
Supervisory Patent Examiner, Art Unit 2132